



SQUIRE, SANDERS & DEMPSEY L.L.P.

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January 6, 2010

VIA MESSENGER

The Honorable James Gwin
United States District Court
Northern District of Ohio
Carl B. Stokes United States Court House
801 West Superior Avenue
Cleveland, OH 44113-1838

FILED
2010 JAN -6 AM 11:18
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
AKRON

Re: American Greetings v. Cookie Jar, Case No. 1:09-CV-01885-JG

Dear Judge Gwin:

Pursuant to Local Rule 37.1, this letter is to request that Cookie Jar be ordered to produce its CFO, Scott McCaw, for deposition prior to January 20, or that the January 20 mediation and the January 25 discovery cutoff date for dispositive motions be moved. As set forth below and in the attached exhibits, American Greetings has made, and certifies to the Court the making of, sincere, good faith efforts to resolve this dispute without Court intervention.

In accordance with our local rule, American Greetings has been requesting dates from Cookie Jar's counsel to take Mr. McCaw's deposition since November 10, 2008, and wanted to take the deposition in early December. (See Exhibit 1). American Greetings has made repeated requests that Cookie Jar provide dates for this deposition. Mr. McCaw was intricately involved in the efforts that Cookie Jar did (and did not) make to obtain financing for Cookie Jar's purchase of the Strawberry Shortcake and Care Bears properties from American Greetings.

The court will recall that at the December 11 status conference, before the date for the mediation was set, the undersigned counsel for American Greetings stressed that American Greetings needed a deposition or two prior to the mediation. This is one of those depositions. Despite repeated demands (see Exhibits 1 and 2), Cookie Jar has refused to produce Mr. McCaw for deposition prior to the mediation, or prior to the January 25 discovery cut off date for dispositive motions. Further, Mr. McCaw's deposition is needed now to allow counsel to decide what additional depositions are needed. This deposition is also needed for the expert reports, and should not be delayed any further.

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American Greetings believes that the mediation will not be productive or meaningful until after this deposition occurs, and therefore requests that Cookie Jar be ordered to produce Mr. McCaw for deposition prior to January 20, or that the January 20 mediation and the January 25 discovery cut off date for dispositive motions be moved until after Mr. McCaw is deposed.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Damond R. Mace", followed by a large, stylized initial "DWH".

Damond R. Mace

DRM:rlm

Enclosures

cc via hand delivery: David H. Wallace, Esq.
Michael Garvin, Esq.